

THE HONORABLE ROBERT S. LASNIK  
THE HONORABLE MICHELLE L. PETERSON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

VICKY CORNELL, individually, and in her  
capacity as the Personal Representative of  
the Estate of Christopher John Cornell *a/k/a*  
Chris Cornell,

Plaintiffs,

v.

SOUNDGARDEN, a purported Washington  
General Partnership, KIM A. THAYIL, MATT  
D. CAMERON, HUNTER BENEDICT  
SHEPHERD, RIT VENERUS and CAL  
FINANCIAL GROUP, INC.,

Defendants.

SOUNDGARDEN, a purported Washington  
General Partnership, SOUNDGARDEN  
RECORDINGS LLC, a Delaware limited  
liability company, STAGE MUTHA FAKIR,  
INC., a Washington Corporation, SG  
PRODUCTIONS, INC., a Washington  
Corporation, KIM A. THAYIL, MATT D.  
CAMERON, HUNTER BENEDICT  
SHEPHERD,

Counter-Plaintiffs,

v.

VICKY CORNELL, individually, and in  
her capacity as the Personal Representative  
of the Estate of Christopher John Cornell  
*a/k/a* Chris Cornell,

Counter-Defendants.

No. 2:20-cv-01218-RSL-MLP

**JOINT SCHEDULING REPORT**

Pursuant to the Court’s December 9, 2022 Minute Order (Dkt. No. 222), the Parties—Vicky Cornell, individually and in her capacity as the Personal Representative of the Estate of Christopher John Cornell (collectively, the “Estate Parties”); Soundgarden, Kim A. Thayil, Matt D. Cameron, Hunter Benedict Shepherd, Soundgarden Recordings, LLC (“SGR”), Stage Mutha Fakir, Inc., SG Productions, Inc., and Loud Love Music (collectively, “Soundgarden Parties”); and Rit Venerus and Cal Financial Group, Inc. (collectively, “Cal Financial Parties”)—submit the following Joint Scheduling Report, as discussed by the Parties’ counsel at a conference on December 14, 2022:

### **1. Pending Motions**

There are three pending motions before the Court: (1) the Cal Financial Parties’ Motion to Dismiss the Estate Parties’ Second Amended Complaint (Dkt. No. 141); (2) Soundgarden, Thayil, Cameron, and Shepherd’s Motion to Dismiss the Estate Parties’ Second Amended Complaint (Dkt. No. 142); and (3) the Estate Parties’ Motion to Dismiss Soundgarden and SGR’s Second Amended Counterclaims (Dkt. 176).

**Motions to Dismiss the Second Amended Complaint.** Magistrate Peterson recommended that the Court grant both motions to dismiss the Estate Parties’ Second Amended Complaint (Dkt. Nos. 141 & 142) in a Report and Recommendation, dated March 19, 2021. Dkt. No. 153. The Estate Parties submitted Objections to the Report and Recommendation (Dkt. No. 162) and the Cal Financial Parties and Soundgarden, Thayil, Cameron, and Shepherd responded (Dkt. Nos. 169 & 170). On July 22, 2021, Judge Lasnik scheduled oral argument on the Estate Parties’ Objections to the Report and Recommendation for September 10, 2021. The stay of litigation was entered on September 7, 2021, three days before oral argument was to be held. Dkt. No. 214.

**Motion to Dismiss Second Amended Counterclaims.** Magistrate Peterson recommended that the Court grant the Estate Parties’ Motion to Dismiss Soundgarden and SGR’s Second Amended Counterclaims (Dkt. No. 176) in a Report and Recommendation, dated July 15,

2021. Dkt. No. 194. Soundgarden and SGR submitted Objections to the Report and Recommendation (Dkt. No. 204) and the Estate Parties responded (Dkt. No. 208). The Soundgarden parties had requested that oral argument be scheduled concurrently with argument on the Motions to Dismiss the Second Amended Complaint. As of September 7, 2021, when the litigation stay was issued, Judge Lasnik had not resolved the underlying motion.

**The pending motions and discovery.** The resolution of the Cal Financial Parties' motion to dismiss will dictate whether they remain parties to Copyright Action and should participate in the majority of the remaining depositions (13 total). The Parties therefore agree that the Motions to Dismiss the Second Amended Complaint (Dkt. Nos. 141 & 142)—addressed together in Magistrate Peterson's Report and Recommendation—should, in the interest of efficiency and to the extent possible, be prioritized. The Parties propose that oral argument on the Estate Parties' Objections to the Report and Recommendation be rescheduled before Judge Lasnik at the Court's earliest convenience. Soundgarden renews its request to schedule oral argument regarding the Motion to Dismiss the Second Amended Counterclaims at the same hearing.

## **2. Buyout Action and Copyright Action Deadlines**

The Parties propose that the Court modify the existing case schedule (Dkt. No. 196) as follows:

- The Estate Parties and Soundgarden disagree as to a proposed deadline for expert and fact discovery. The Estate Parties propose that the deadline be June 9, 2023; the Soundgarden Parties propose that the deadline be April 28, 2023. The Cal Financial Parties do not have a preference on this date and defer to the Court and the other parties.
- *Daubert* motion filed by June 23, 2023
- Buyout Valuation Hearing: July 25-27, 2023<sup>1</sup>

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<sup>1</sup> The Parties additionally seek the Court's guidance as to the applicability of the Local Rule 16 pretrial order requirements and process to the Buyout Valuation Hearing.

- Dispositive motions in Copyright Action filed by August 31, 2023

These proposed deadlines track the sequence and relative timing of deadlines in the Court's scheduling order at the time of the litigation stay. The Parties further submit that the proposed deadlines are appropriate given the substantial discovery that remains in both actions, including 13 fact and expert depositions, additional written discovery, the potential need for motion practice on discovery issues, as well as the time needed for both Parties to engage in discovery following a lengthy stay.

1 DATED this 28th day of December, 2022.

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